IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

THURSDAY, THE 15TH NOVEMBER 2007 / 24TH KARTHIKA 1929

WP(C).No. 33263 of 2007(I)

PETITIONERS:
----

1. **M.UMMEN, AGED 66 YEARS**
   S/O. MATHEW, MANJADI NILKUNNATHIL VEEDU
   VENMANIP.O., VENMANI VILLAGE
   NOW RESIDING AT C/O. BABU, AALATHIL HOUSE
   PANDANADU P.O., CHENGANNUR.

2. **ANNAMMA UMMAN, AGED 62**
   W/O.M.UMMEN, MANJADI NILKUNNATHIL VEEDU
   VENMANIP.O., VENMANI VILLAGE
   NOW RESIDING AT C/O. BABU, AALATHIL HOUSE
   PANDANADU P.O., CHENGANNUR.

BY ADV. SRI.R.MURALEEKRISHNAN,
ADV. SRI.SANIL KUMAR.

RESPONDENTS:
----

1. **THE SUB INSPECTOR OF POLICE**
   CHENGANNUR POLICE STATION
   CHENGANNUR, ALAPPUZHA.

2. **P.V.VARGHESE @ THANKACHAN**
   AGED 65 ,S/O. VARKEY VARGHESE
   MUDIYEL HOUSE, PANDANADU P.O.
   CHENGANNUR, ALAPPUZHA.

BY GOVT. PLEADER SRI. SALIM.P.A,
ADV. SRI. AJITH MURALI.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/11/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.33263/2007-I:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE SALE DEED DTD. 21/07/2006 VIDE NO. 1633/2006 OF CHENGANNUR S.R.O.

EXT.P.2: COPY OF THE TAX RECEIPT VIDE NO. 25612 DTD. 18/05/2007.

EXT.P.3: COPY OF THE COMPLAINT DTD. 08/11/2007 SUBMITTED BEFORE R.1.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR & K.P.BALACHANDRAN, JJ.

Writ Petition (C) No.33263 of 2007-I

Judgment

Balakrishnan Nair, J.

The petitioners are husband and wife. They submit, they have purchased 16 cents of land comprised in Survey No.491/1/1 of Pandanadu village from one Mr.Reji Varghese and his wife. The sale deed was executed by the father of the said Reji Varghese, who is the 2nd respondent herein, on the strength of a power of attorney executed by Mr.Reji Varghese and his wife. Ext.P1 is the sale deed. When the petitioners went to the plot to do some work there on 06.11.2007, the second respondent's son obstructed them, demanding further amounts from the petitioners towards sale consideration. Thereupon, the first petitioner filed Ext.P3 representation before the Police, seeking protection against the threat and high handed actions of the second respondent and his supporters. Thereafter, this Writ Petition is filed, seeking the following reliefs :

> *"i. issue a writ of mandamus or any other appropriate writ, order or direction, compelling the 1st respondent to provide adequate and effective police protection to the life and property of the*

petitioners as against the threat of the 2nd respondent and his men.

ii. issue a writ of mandamus or any other appropriate writ, order or direction, compelling the 1st respondent to take appropriate legal actions against the 2nd respondent pursuant to Ext.P3 complaint."

The learned counsel for the petitioners submitted that even after the receipt of notice in this Writ Petition, the second respondent's sons threatened the petitioners of dire consequences unless they withdraw the Writ Petition. Again, they filed a complaint before the Police. The learned Government Pleader upon instruction submitted that a crime has already been registered against the 2nd respondent and others on 13.11.2007 on the information lodged by the first petitioner.

2. The learned counsel, who appeared for the second respondent submitted that the said respondent or his men are not causing any obstruction to the petitioners and that they have no intention to obstruct them.

3. In view of the above submissions of the second respondent, there need not be any order of police protection to the petitioners against the threat

from the part of the second respondent. We notice that on the information lodged by the first petitioner, the Police have promptly registered a crime against the culprits. So, in future also, if any cognizable offence is reported, the Police will take appropriate action in accordance with law.

K.BALAKRISHNAN NAIR,JUDGE

15.11.2007 **K.P.BALACHANDRAN, JUDGE**

sta